



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 14, 1998

Ms. Judith Hunter
Paralegal
City of Georgetown
P. O. Box 409
Georgetown, Texas 78627-0409

OR98-2422

Dear Ms. Hunter:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 118726.

The City of Georgetown (the "city") received a request for "any (written or verbal) information [the city] received during the investigation" of the requestor's background in connection with her application to the police department. In response to the request, you have submitted the information which you contend is responsive. You explain that certain information has been released to the requestor. However, you assert that Exhibit B is *excepted from required public disclosure, based on Open Records Decision No. 615 (1993)*, wherein this office reexamined the predecessor to the section 552.111 exception. We have considered the arguments and exception you raise and reviewed the submitted information.

Section 552.111 of the Government Code excepts from required public disclosure:

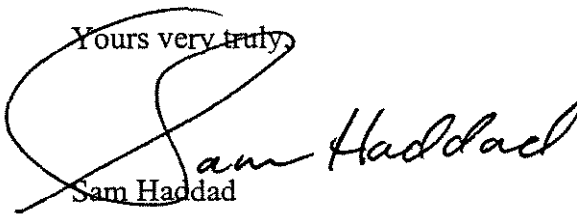
An interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency.

This exception applies to a governmental body's internal communications consisting of advice, recommendations, or opinions reflecting the policymaking process of the governmental body at issue. *See* Open Records Decision No. 615 (1993). An agency's policymaking processes do not encompass internal administrative and personnel matter. *See id.* As the information at issue concerns administrative and personnel matters, section 552.111 is inapplicable.

We next consider your assertion that the submitted information may be protected by privacy. Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section also encompasses common-law privacy and excepts from disclosure private facts about an individual. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Information may be withheld from the public when (1) it is highly intimate and embarrassing such that its release would be highly objectionable to a person of ordinary sensibilities, and (2) there is no legitimate public interest in its disclosure. *Id.* at 685; Open Records Decision No. 611 at 1 (1992). After reviewing the submitted material, we do not believe that any of the information is protected by common-law privacy.¹ See Open Records Decision No. 455 (1987).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,


Sam Haddad
Assistant Attorney General
Open Records Division

SH/ch

Ref.: ID# 118726

Enclosures: Submitted documents

cc: Ms. Christina Barrows
12828 Double Tree Lane
Austin, Texas 78750.
(w/o enclosures)

¹Since it is not clear whether you are raising privacy concerns on behalf of the requestor or the background reference sources, we also bring your attention to section 552.023. We note that section 552.023 grants an individual or an individual's representative access to information that is otherwise excepted from required public disclosure based on a law that protects that individual's privacy interests. See Open Records Decision No. 587 (1991).